



**MINUTES  
DEVILS LAKE WATER IMPROVEMENT DISTRICT  
REGULAR MEETING**

**DLWID OFFICE  
November 11, 2010  
6:00 P.M.**

**PRESENT:** Randy Weldon  
Brian Green  
Dave Skirvin  
Joe Barnes  
Jack Strayer

**ABSENT:** None

**AUDIENCE:** Dr. Pennington, Larry Brown, Mitchell Moore, Raylene Erickson, Mark and Robyn Christie, S. Miles Schlesinger, Bill Riverman, James Park

**STAFF:** Paul Robertson, Seth Lenaerts

**MEDIA:** None

The Regular Meeting was preceded by an Executive Session from 5:30 – 6:05 pm. Green called the meeting to order at 6:05 p.m. at the office of the Devils Lake Water Improvement District.

**Special Order of Business: Erosion Study interview: Tetra Tech**

Dr. Pennington was present to provide information and answer questions regarding an erosion study.

Robertson suggested questions regarding charges and whatever they might be about; suggested a question and answer approach.

Green: Start with the idea that lake level revolves around how much erosion there is and at what level. The main question he had was how much of the study could be cut out to lower costs and still get answers about how much lowering the lake affects the level at lakeside.

Dr. Pennington: Her approach was to find what data were available and work with a hydraulic engineer. She took six tasks in the program to see what task could be taken out. The items in green were the items it was felt needed to remain and the others were a matter

of issues of two-foot increments and comparing parcels to do evaluations. You cannot get to a high level of detail without a lot more money than you want to spend. Bob envisions grouping regions of the lake to figure out what makes the most sense; how they are divided, how he can break down wind patterns, weather patterns, integrate waves from wind or boat. It is hard to say how detailed he can get. If you divide the lake into quarters or sixths, a topography map would not offer the level of fine tuning he can give.

Green: Is there an analysis?

Dr. Pennington: Show where waves would crash at different levels. Might be some detail that is lost at some level and different scenarios.

Skirvin: We need to understand how things would change over time, indications of erosion over time from back when the lake was held closer to 10 feet. Would we get some idea of what it would be reduced to now compared to what it used to be?

Dr. Pennington: She believes Bob could give some feedback about how the shore levels would be; where new bars/beaches might be built she would be hesitant to say.

Green: Will he have information about where the challenges would be?

Dr. Pennington: She will make sure we get something that is useful. Bob will come back with some hard recommendations.

Barnes: How about shoreline? He noted that on his property a spot of sediment is growing. He doesn't know why the one corner is building up. Something has accelerated.

Skirvin: What are the tasks that need to be done?

Dr. Pennington: She moved hours out of task 2/3 that require field hours. They can do photos at the time of the study. Bob will need to reflect on historical data of the lake. Part of this comes from the Request for Proposal.

Green: How high can we retain water in the summer? At what level do we cross that threshold?

Dr. Pennington: Having a contractor come in, the more we understand about what you need, it makes the engineer's job easier.

Green: Wave action is responsible for erosion and boats and winds. Will wave action analysis include action at different levels?

Dr. Pennington: She thinks that may be hard to provide. Are there any boat surveys? Bob has performed work looking at other systems. About the boat activity and how that would be activated depends on what kind of boat is involved. She prefers to get more information before speaking.

Green: What is the affect of boat level action at different levels?

Weldon: How will levels affect your study?

Dr. Pennington: Lower level might provide more insight. Looking at vegetation, looking at soils might help, also. They are looking at the period of after the first of the year. The stormier the better, or the lower the lake the better. They will be out for a day or two.

Robertson: What would it cost to have data mining done by TetraTech?

Dr. Pennington: She does not know what the state would have available for this area. It depends on who owns the data.

Robertson: It might be more efficient if TetraTech goes after some known sources.

Dr. Pennington: It might take a tech an hour to look at what is available from this area.

Green: Can we get our essential questions answered?

Dr. Pennington: Yes, but it might not be parcel by parcel. Roughly, four areas. There is no purpose in splitting up.

Barnes: Parcel by parcel isn't necessary?

Dr. Pennington: No, you are not going to get that level of precision. 4, 5, 6, she would put in the hands of the hydraulic engineers.

Green: Property by property is of marginal value.

Weldon: I see a lot of value in that survey. As far as shoreline, there isn't anything in data historically to show shoreline.

Green: What do we get now?

Robertson: Aerial, boat dock survey, may have just been done. He thinks history review and photo study are key. Soil and ground edging put in. Soil and vegetation is more like rip-rap, sea wall.

Skirvin: Can we tie that back into "Save Our Shorelines?"

Lenaerts: Certainly, if we want to solicit people to do shoreline restoration.

Robertson: Might as well get other things that are going to go along with the scope of the lake. Get raw data to compare studies down the road. I recommend getting the whole study done, so you have that to work from, long term. It's an effective tool to show progress and good record keeping.

Dr. Pennington: Making a stop at extra parcels would not be that much more difficult, since you will be there anyway, doing some part of that.

Lenaerts: Can't you get that on Google or internet topography maps? There are a lot of pictures of the lake already.

Dr. Pennington: Look at property from waterline and overview from lakeside point of view, not aerial. Dates are different years. She envisions head-on shots that you might not get from aerial.

Larry Brown: It sounds like they will do this study in the middle of winter?

Dr. Pennington: February 3<sup>rd</sup> comes to mind, but she said that wouldn't work for them.

Green: He thinks March would be a good time. Time deadline is not etched in stone.

Robertson: Just a guideline.

Larry Brown: You could gain more information in the summer. There are boats in summer, good storms in summer, wind events, more variance in lake levels. It would seem you could gain more information in summer than February. You could get better pictures. He recommends doing it in spring or summer.

Dr. Pennington: Summer has advantages. The lake is up, it is greener, and days are longer.

Larry Brown: You can control the lake in summer also.

Robertson: In spring, before they dam it.

Weldon: You can't control storm action in winter, you can control the dam. What can we keep the level at? He wants a comparison between the two. In summer you can have boats and it can be a washing machine.

Dr. Pennington: She would like to put some thought into it.

Green: We are not in a big hurry. He would rather have it done in summer. After we dam, we can get the level as low as possible and get more information.

Dr. Pennington: She will get back to us on that.

Skirvin: Robertson can provide data regarding levels and studies. Memorial Day is when boat action starts.

Green: We can set the lake at the level we want to see what kinds of problems are created by boats. We can fire up boats in a hurry. He wants to make sure they will get some action in the final report. Can she get back to us a week before next meeting?

Dr. Pennington: Will try to get a date.

Barnes: Have you done simulated wave activity?

Dr. Pennington: It is doable. Bob and his team have done so.

Robertson: Water level slows down in September.

Green: We will close comment at this point.

### **Minutes of the previous meeting**

Correction: Strayer says he changed his vote, he voted against approving minutes, it was not unanimous. Additionally, Skirvin notes that he left the meeting just before the “Lake Level” discussion. Amended minutes adopted unanimously. Minutes approved.

### **Financial Report**

Strayer questions whether the report is a photo. Robertson replied that it was scanned.

Strayer wants to know if Robertson can white out “liability and equity equals zero.” and scan the report.

**Strayer moved to have Paul scan the report and white out “liability and equity equals zero.” Green seconded the motion. Barnes and Weldon opposed the motion. Motion carried.**

### **Public Comment**

Bill Riverman: Has been in his home about 11 years now. This is the first year he has seen milfoil. It looked like his reflection and next day looked like breathers coming up. He was scooping up milfoil and put about 100 pounds in the garbage. He can see it at the other end of the canal too. He walked past the motel and on the north side of the bridge it looked like it was blocking outflow of canal. He called DLWD and was told they decided not to do anything about it. He went to the State Fish and Wildlife. He made several calls and was told he did not need a permit to pull logs out. He said he would push it out himself. He tried to push some logs to free a stump. He was able to get a little flow going and get 4-5 logs out of there. He saw someone with a pickup towing logs out. Now he has more and different birds coming down the canal again.

Mrs. Riverman: What is the position on logs?

Robertson: It has been the District’s position that we are not going to police the logs, although they may be navigational hazards. The District did do so for many years, but can’t police canals at all times and risk liability. That is why the District does not remove logs.

Mrs. Riverman: Big logs clog navigation. Why not keep boards there longer to give them more time to get logs out?

Robertson: We are limited to the height at which we can hold lake level. It is higher now than we could keep it in summertime.

Mr. Riverman: Could they have a day or two of higher level?

Robertson: To change requires a lot of rain. A plugged outlet can change the level. After erosion of sand you can move them easier.

Barnes: Aren’t there more logs than usual? Isn’t it a maintenance issue? We need to get them out.

Skirvin: We can’t get them out where they are.

Jim Park: He has been concerned about logs under the bridge. It eliminated kayaks, canoes and you couldn't circle the island. Regarding the issue of liability, he contacted the Marine Board and they were concerned about seeing a navigation issue there. State Lands had no concern about removing logs that float in. They jam up the area, you could almost walk across. He has never seen a ski boat down where water flows in. You won't see high speeds in there. Removing logs would be a benefit to the lake, navigation and problems.

Strayer: How much flow do we need to keep the canal healthy?

Mrs. Riverman: Anything would help.

Weldon: Dredging was done last week, twice. DSL said moving logs is not an issue, removing them would be.

Robertson: Most recent as last week, you can remove logs without a permit. This was not the case two or three years ago. Removing habitat is not as much of an issue now.

Weldon: Close to the mouth of river you will get more and more at this time of year.

Mrs. Riverman: It was there all summer long.

Robertson: A couple of big logs have been there at least two years.

Mrs. Riverman: The kayak area used to have lots of people.

Barnes: Can we make a motion to put this on the agenda?

Green: Maybe Spring would be the time to clear it out.

Strayer: Get an estimate of how it could be done in spring.

Green: Can we do it once a year in spring?

Barnes: Clear a path or remove all? Let's put it on agenda for next meeting.

Larry Brown: The potential is there for a nice swimming area. It was a beautiful area five to six feet deep previously. It has tremendous potential. He is a big fan of getting logs out of there. This time of year you don't have to pay a lot to get a stump grinder in to get rid of them. The easiest way to get them out is with lake flow, to dump them into the ocean.

Strayer: It is within the scope of possibility.

Barnes: Let's get logs out as soon as possible. Sand humps up in the canal right now. We should clean up the whole area.

Skirvin: Doesn't think you can just grind them up.

Green: It is in new business.

Robertson: The cost is in the Managers Report.

Barnes: Maybe when we get the logs out, it will clear out on its own.

## Unfinished Business

### Lake Level.

Robertson says there is a quick report. It was clogged, it was fixed, and it is running free. He wants to know if there is a request to dredge.

Barnes: Wants to know when we do it.

Robertson: He waited because he thought high surf was coming in and wanted to let Kyllo's complete the work on their building. It was done on Monday because of the extra day. The lake got to 11.2 that day. The road is covered at that level.

Larry Brown: Wants to know if you need to go to Kyllo's property to get access.

Robertson: We have an easement to cross Kyllo's property.

**Devils Lake Plan****DEQ 319 Grant**

Grant- met match.

**Native Vegetation**

Lenaerts is working on some reports to add to invasive list.

**Septic Tank Revitalization Program (Lenaerts)**

Nothing to report.

**Save our Shoreline Campaign (Lenaerts)**

Lenaerts says he has visited the site. There is good planting, stabilization, it was done right. The person who did it offered to talk to other people and give guidance. They need a permit for this. The guy requested Devils Lake cover the logs. Lenaerts wants to know if they are setting a precedent if someone completes a project and then wants us to pay for it.

Barnes: No problem if everyone does it on their own.

Green: It sets a precedent.

Seth: He wants \$262.50 to pay for cost of logs.

**Weldon moved to go back 24 months if someone has done some stabilization set to standard.**

Green: Let's approve this one and look at others as they come up.

**Green moved to approve \$262.50 to reimburse the resident. Stayer seconded the motion. Vote: Unanimous. Motion carried.**

Strayer: Wants to know how to conduct this program so people can do it themselves. Maybe buy logs and provide them to people.

Barnes: Get a vendor to give the District price to residents.

Lenaerts: The total plant cost is \$275.00.

Green: We could buy some logs.

Skirvin: Where would we store them?

Lenaerts: Four have been completed. He thinks interest has peaked.

Barnes: We could pay 75% of the cost to people who want to do "Save Our Shoreline".

Strayer: By the hospital, the lake has been revegetated with those logs.

Lenaerts: Lakescaping needs board approval. He thinks a buy-in by landscapers would be helpful.

**Skirvin moved to approve holding a workshop. Barnes seconded the motion. Strayer voted against. Motion carried.****Vegetation Management**

No updates.

**Sewer (Brian Green)**

Green says he has enough to file a petition with the city and see what happens. He is going for two-thirds approval to approach the city. An engineer is on board. If the city council

approves, then the engineer's analysis will be done and put out to bid for construction. Then we can make an assessment after all costs are determined. Then property owners would get assessed. Public Works said they would then have 16-foot wide streets.

### **Devils Lake Plan**

All is covered in notes. Will give to Robertson to go through. Timeline can be put into archives. Barnes thinks it is great.

Weldon says a subdocument would be helpful.

Skirvin says the plan does not have a lot of grass-carp focus.

Mitchell Moore: Need a plan to educate the public. Public meeting in January won't have many showing up for that. [See Moore's e-mail report at the end of the Minutes.)

Robertson: His idea was to finish the plan, present it, and then adopt it. Create a page on the website and promote a plan for the lake.

Green: Dovetail it with grass-carp application.

Robertson: He built a strategic plan on grass carp and sent it to the Board. He will add a public comment to the January meeting.

Barnes: Wants to know how the meetings are held and when they look at agenda items. He said we can go to ODFW, present our appeal, and get them to hear it next quarter.

Robertson: It takes about 2-3 months to get on their agenda. He will find out if he needs to go to the meeting to put in an appeal.

Barnes: If there isn't merit, they won't hear it.

Robertson: Thinks the commission will browse the plan. Give them the raw copy that they can look at.

Barnes: Get it on the agenda and then they will have to research it.

Robertson: Wants to entice them to look at the plan.

Green: It will be there, if they want to read it.

Skirvin: When will research be done?

Robertson: By the February meeting.

Barnes: Should have signage regarding not taking grass carp out of the lake and placing them in someone's pool, etc.

Robertson: Systma is not against grass carp, but wanted ODFW to have a plan to manage lakes.

Barnes: The more people support this, the better it will be. When you talk to those people, you need to lobby them to get their support.

Green: Systma turned from being against grass carp to their having beneficial use.

Barnes: Would like to have a special session with Systma. Doesn't see anything about NOAA Fisheries. He sees huge salmon in lake, more than ever before. He has never seen them before. ODFW does dead fish count every year.

Robertson: From my memory in the 1993 planting, NOAA was not in favor of moving forward.

Barnes: Coho are growing in number.

Robertson: The biggest issue is public access. There was a rule change in 2003.

Barnes: Would like Robertson to research about what NOAA says about the Coho in the lake now. He wants to get them involved.

Strayer: Asking about TMDL. Look at lake, watershed.

Robertson: We are being petitioned to be on the list by DEQ now. He hopes within two years we will be on the list.

Barnes: Get all hands on board. Would like to get as many of these guys at a meeting as possible. Maybe a special session. Go forward with enough homeowners and present it professionally.

Robertson: ODFW's Report from 2009 doesn't show Coho runs changing as a result of the Grass carp. He will change some language regarding the affect of the carp on Coho.

Barnes: We need some of them to say they support grass carp. Grass carp are the only hope.

Strayer: Grass carp don't like to go in 2-3 feet deep water, like in the canal because it is shallow.

Green: Letters from public bodies like Kernville, the City, Salmon Creek, should focus on that.

Weldon: What about getting a petition by owners to present with the plan?

Green: He has revisions he wants Robertson to make. Will give them to him.

### **Communications Report**

Discussion ensued regarding a license plate holder as an inexpensive method of raising the awareness of Devils Lake.

Skirvin: Thinks we can do custom plates. Discussion about publicity materials—shirts, pens, hats.

Lenaerts talked about a recreation brochure to send out.

Green: Thinks it is a good benefit if it is tailored to promote recreational use.

Robertson: The idea is to make the flyer relevant to today.

Barnes: We could update the old one.

Discussion continued on the Holmes Road Park kiosk project and buying material and having it built.

### **Green moved to authorize spending \$500.00 on the Holmes Road project. Barnes seconded the motion. Vote: Unanimous. Motion carried.**

Further discussion about creating a portable sign and what it could be used for. Don't know if it could be used enough. Work on brochure for now.

### **Safety Report**

Nothing new.

### **Thompson Creek**

Robertson will take samples to Oregon State University for analysis.

### **New Business**

#### **The Café-Union 50**

Discussion began about the building.

Barnes: Suggests putting together a group. He thinks it would be a great place to move to.

Robertson: Thinks it would be accessible. Parcels are in the Urban Renewal District.

Green: We need to get more information. Get a realistic price. See if the City and others will pledge monthly money.

Strayer: He thinks this is outside the scope of what we are supposed to do.

Green: If we can come up with something so it can support itself. Let's table until next meeting.

Robertson: An idea is talk to others around the building. It would provide a wetland trail. It is worth brainstorming. The City owns some of the property around the building.

### **Canal Dredging**

Just the section between the bridge and lake—we do not need a permit to remove logs. Need permit to remove sand or other sediment (Maintenance Dredging). Discussed earlier; not something to do in winter.

### **Contract**

**Green moved to extend Paul's contract thru June 30, 2011. Barnes seconded the motion. Vote: Unanimous. Motion carried.**

Paul has done a good job doing what the board has asked him to do. Executive Sessions work well. Will continue to have Executive Sessions prior to regular meetings.

**Barnes moved to have Executive Sessions every other meeting. Skirvin seconded the motion. Vote: Unanimous. Motion carried.**

Skirvin: Will do Executive Session in January at 5:30 PM before the regular meeting.

### **Library Request**

**Skirvin moved that Robertson purchase book. Barnes seconded the motion. Vote: Unanimous. Motion carried.**

### **Vacation Request**

**Skirvin moved to approve Paul's vacation request. Barnes seconded the motion. Vote: Unanimous. Motion carried.**

### **Non-Agenda Items**

None.

The next Board meeting will be held on December 2, 2010 at 6:00 P.M.

The Board meeting adjourned at 9:53 P.M.

Respectfully submitted,  
Andrea Kinkead

### **E-Mail Comments from Mitchell Moore/Attachments**

To my friends at DLWID:

I would like to share a few thoughts with the board prior to the meeting to help economize the time used for public comment. Indeed Brian, all you need do is acknowledge my written comments and there will be no need for me to formally comment. I would like to comment on two topics on the agenda for this meeting. They include the Erosion RFP, and the Devils Lake Plan.

### **Erosion RFP**

I continue to be concerned that DLWID is about to spend a tremendous amount of money on a study that will provide little in the way of conclusion or advice that the District could act upon. Indeed the only advice that was requested is found on page 4 of the RFP; which specifically requests, "from this overall erosion study the contractor will provide a summary of the data and conclusions drawn as to if and how the dam operation may be impacting the shoreline." It is not realistic to make adjustments further lowering the summertime level of the lake. This is due to the new management procedure, which attempts to balance the lake inflow, and outflows from August through October. This procedure effectively lowers the lake .5 feet during the months that require balancing. If we begin the year at the previously suggested 9.0' level, the resulting summer's end level would severely affect recreational use and potentially water quality. Focusing only on lake level, of course, ignores what occurs on the lake for over half of the year when nature takes over and the District takes a back seat.

I've stated before that the most problematic part of the requested study is that it's based on the assumption that DLWID's sole remedy is adjusting the lake level. What the District will undoubtedly discover is that the solution is much more nuanced requiring a variety of techniques to improve the situation. Unfortunately, the author of this study has not been asked to suggest any corrective actions, which the District could implement. Generally, any of the corrective measures that could impact erosion, must be taken by either a government agency with jurisdiction or individual property owners, who would require approval of those same government agencies (DSL, Lincoln County, or Lincoln City). DLWID simply does not have the required jurisdiction to force or approve these actions, but armed with a list of suggested corrective measures it can create a program like Save Our Shoreline to encourage action by homeowners and other governmental agencies.

It would be my recommendation for the District to pause prior to awarding this RFP, and assess the purpose of the study. I assume the goal is to make an impact on erosion sites on the shoreline of Devils Lake. At a minimum, the RFP should be withdrawn and re-drafted to direct the focus of the study toward the creation of a set of mitigating options that will minimize erosion in the Devils Lake watershed. All options should be crafted in a way that can be implemented. These options should be designed so they may be acted on by DLWID, other government agencies and perhaps most importantly near lake homeowners.

Without these changes to the project, I would have to recommend that the District not

proceed. The project, as it stands, represents a poor use of District funds. Proceeding would mean that the District would have yet another study placed on its bookcase; a study void of any actionable recommendations for the District to follow.

### **Devils Lake Plan**

As you know from my past comments, I am a supporter of revisiting the Devils Lake Plan with the goal of creating a comprehensive strategy for managing the lake. You know that I have been a proponent of public input, and perhaps more importantly public education on the contents of the plan. The effort that has recently been given to this process is encouraging. I appreciate the schedule that has been set to complete the project. When viewed from my perspective, as a member of the public, I feel compelled to share a concern about your process and suggest a simple solution.

This concern has grown from observing the Devils Lake Plan discussions in the past few months. It appears that the plan may be in danger of losing its way; rather than being the lead document for managing the lake, it seems to be morphing into a support document for the grass carp application. I fully support the grass carp application as a component of the comprehensive management plan for Devils Lake. It is my opinion that in the interest of moving the carp application ahead, the time required for quality public input related to the plan is suffering. Public input is crucial on such an important document. This document will govern how the lake is managed for years to come.

In the proposed schedule, there are only two months between the completion of the plan and its adoption. One public meeting is scheduled for local citizens to comment with no time or process to promote the contents of the plan to the public. The meeting is scheduled for January, a time of the year when most affected lake users are not focused on Devils Lake. The schedule calls for final board approval the first week of February. This is just a bad approach, which will end poorly. You will never obtain the level of public support required to implement any of the District's plans if you continue on this path.

I understand the desire for the District to complete some tasks and count some successes. This goal does not need to suffer, as I believe you can enhance the public process immensely with only minor delays. Here are some specific suggestions:

1. Begin by recognizing that the Devils Lake Plan is the controlling document through which the Board communicates its plans and actions to District staff and the public.
2. Release the plan to the public at least a month prior to the scheduled public hearing. The release should be well publicized. The District should summarize the document for the public in a flyer and on the web. I would be willing to help with this effort. If pre-released, the Devils Lake Navigator could also summarize the plan giving a public voice to the document. I believe that I am generally supportive of the plan but have not seen its contents. The Navigator's review would be released to correspond with the official release of the draft. I would be willing to work with staff to ensure our summary is accurately portrayed.

3. Develop a communications plan for the release of the Devils Lake Plan, develop materials describing the plan contents and create a public process to promote the plan and obtain public input. This is not complex—the District just did a terrific job promoting the SOS program. This communication should be planned in advance.
4. Provide for public comment in a minimum of two meetings, the first at a regular board meeting, the second on a weekend at a neutral location such as the D-River Community Center. It won't be well attended because it's the dead of winter but it will be viewed as an honest attempt. Use of the alternate site will signal that the District takes this step seriously.
5. The Board should assess the suggestions, additions and changes identified during the public process. After incorporating those it deems appropriate, the Board can adopt the plan.
6. Immediately following its adoption, publish a high-profile announcement of the action. Include an overview of the plan and further announce that the District is planning an informational meeting to be held on a mid-summer weekend to present details of the plan to interested parties. This should again be at a location such as the Community Center to show the importance of the event. By this time, you may be ready to start generating excitement over the grass carp application, and you could use the meeting to get the public behind the process.
7. On an ongoing basis, promote the specific elements of the plan that are appropriate, based on the activities of the District at that moment. In other words, continue to promote the plan and District activities. Never stop selling.

The process outlined above should only delay the adoption of the Devils Lake Plan by a month, perhaps March 2011. There is no reason to think that the extra time allowed for public input should delay the grass carp application, as much of that process can continue concurrently. Indeed, a public vetted and supported management plan will likely get much further with ODFW than a plan that just went through the motions. In the end, the District needs the full support of the public and the addition of these simple steps is a great way to get it.

Thank you for considering my comments,  
Mitchell Moore